

## **REMARKS**

Claims 9-45 are pending in the application. Claims 1-8 were previously canceled without prejudice. Claims 9, 29 and 36 are amended. No new matter is added by this amendment. Reconsideration of the present application, as amended, is respectfully requested.

### **Explanation of Amendments**

Claim 9 is amended to remove the limitation "A package" to more clearly and distinctly claim that which the inventor considers the invention.

Claim 9 is further amended to add the limitation that the sensor packages are "coupled to a substrate having slots for receiving the sensor packages."

Claim 9 is further amended to remove the limitation that the control circuit is within the package.

Support for the amendment to claim 9 is found in the description at page 6, lines 4-20. Support for slots for receiving the sensor packages is found at page 2, lines 5-7, and at page 24, lines 5-12.

Claim 29 is amended to depend from claim 15 to correct a clerical error in the original reference number.

Claim 36 is amended to remove the limitation "providing a package" to more clearly and distinctly claim that which the inventor considers the invention.

Claim 36 is further amended to add the limitation that the sensor packages are "coupled to a substrate having slots for receiving the sensor packages."

Support for the amendment to claim 9 is found in the description at page 6, lines 4-20. Support for slots for receiving the sensor packages is found at page 2, lines 5-7, and at page 24, lines 5-12.

#### **Rejections under 35 U.S.C. §112**

Claims 26, 27, 28 and 29 stand rejected under 35 U.S.C. §112. The Examiner asserts that “the sensor” has no antecedent basis.

As to claims 26, 27 and 28, each claim has claim 15 as an intervening claim. Antecedent basis for “the sensor” is found in the claim 15 limitation “a cavity for receiving a sensor.”

As to claim 29, the claim is amended to depend from claim 15 to correct a clerical error in the original reference number. The claim now has antecedent basis for “the sensor” mentioned in the claim.

#### **Rejections under 35 U.S.C. §102**

Claims 9, 11, 13, 14, 15, 36 and 44 stand rejected under 35 U.S.C. §102(b) as being anticipated by *Tennes et al.*, (US 4,745,564).

Independent claim 9 includes the limitation “a sensor module within the housing, the sensor module including a plurality of sensor packages coupled to a substrate having slots for receiving the sensor packages, each sensor package having an axis of sensitivity positioned in a different spatial direction.” Independent method claim 36 includes a structurally similar limitation. The limitation provides one of the the advantages stated in the application, which is creating a multi-axis sensor package that has high vector fidelity, low cross-axis sensitivity, and a minimum number of manufacturing steps.

There is no mention in the '564 patent as to how the triaxial accelerometer means 22 is packaged other than the preferred orientation of the axes of sensitivity. Therefore, independent claims 9 and 36, as amended, are not anticipated by the '564 patent. Moreover, no art of record teaches or suggests, either alone or in combination, "a plurality of sensor packages coupled to a substrate having slots for receiving the sensor packages." Consequently, Applicant respectfully submits that independent claims 9 and 36 are allowable over the art of record.

As to claim 13, the Examiner's assertion that figure 3 in the '564 patent teaches a monolithic sensor module 22 of the claimed shapes is in error. Figure 3 is merely a functional block diagram of an overview of the data acquisition system of the invention. See column 3, lines 29-30. There is no teaching in the reference as to how to form the finished apparatus. Therefore, the reference does not teach a sensor module, wherein the sensor module is a monolithic package selected from a group consisting of i) a hollow frame; ii) a box; iii) a three-dimensional circuit board; iv) a cylinder; and v) a cube. Applicant submits that claim 13 is not anticipated by the art of record.

As to claim 15, applicant reiterates that the figure asserted as teaching a particular shape is in error, because the figure is a functional block diagram. The Examiner's assertion of inherency is also in error. MPEP 2131.01 III provides an explanation as to the proper application of inherency. The section provides "To serve as an anticipation when the reference is silent about the asserted inherent characteristic, such gap in the reference may be filled with recourse to extrinsic evidence. Such evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." *Continental Can Co. USA v. Monsanto Co.*, 948 F.2d 1264, 1268, 20 USPQ2d 1746, 1749 (Fed. Cir. 1991). Applicant

has provided emphasis in the underlined statement.

With respect to the claimed limitations in claim 15, a sensor module clearly does not necessarily include a cavity for receiving a sensor. Those skilled in the art would recognize any number of ways that a sensor can be coupled to, in or on a sensor module.

### **Rejections under 35 U.S.C. §103**

Claims 10 and 38 stand rejected under 35 U.S.C. §103(a) as being anticipated by *Tennes et al.*, (US 4,745,564) in view of WO 99/16129.

Claim 10 depends from amended independent claim 9 and claim 38 depends from amended independent claim 36. Thus, the rejected dependent claims include all of the limitations of the corresponding independent claim including the limitation “a plurality of sensor packages coupled to a substrate having slots for receiving the sensor packages.”

Applicant submits that the proposed combination does not teach or suggest “a plurality of sensor packages coupled to a substrate having slots for receiving the sensor packages.” Consequently, claims 10 and 38 are not obvious over the proposed combination.

Claim 12 stands rejected under 35 U.S.C. §103(a) as being anticipated by *Tennes et al.*, (US 4,745,564) in view of *Kato* (US 5,579,245).

Claim 12 depends from amended independent claim 9. Thus, claim 12 includes all of the limitations of the corresponding independent claim including the limitation “a plurality of sensor packages coupled to a substrate having slots for receiving the sensor packages.”

Applicant submits that the proposed combination does not teach or suggest “a plurality of sensor packages coupled to a substrate having slots for receiving the sensor packages.” Consequently, claim 12 is not obvious over the proposed combination.

## Conclusion

For all the foregoing reasons, Applicant submits that the claims are in a condition for allowance. A check in the amount of \$950 is submitted herewith for the fee associated with the requested extension of time to file this response. The Commissioner is authorized to charge any additional required fee, or credit any overpayment to the Deposit Account No.

**Deposit Account 13-0010 (IO-1013-US).**

Respectfully submitted,

Date: June 4, 2004



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